



**Service of Process
Transmittal**

11/10/2021

CT Log Number 540564851

TO: Sarah Rief, STOP 1580
Union Pacific Railroad Company
1400 Douglas St
Omaha, NE 68179-0002

RE: Process Served in Illinois

FOR: Union Pacific Railroad Company (Domestic State: DE)

ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:

TITLE OF ACTION:	Re: TONY CABAN // To: Union Pacific Railroad Company
DOCUMENT(S) SERVED:	--
COURT/AGENCY:	None Specified Case # 2021L010555
NATURE OF ACTION:	Personal Injury - Vehicle Collision
ON WHOM PROCESS WAS SERVED:	C T Corporation System, Chicago, IL
DATE AND HOUR OF SERVICE:	By Process Server on 11/10/2021 at 03:07
JURISDICTION SERVED :	Illinois
APPEARANCE OR ANSWER DUE:	None Specified
ATTORNEY(S) / SENDER(S):	None Specified
ACTION ITEMS:	CT has retained the current log, Retain Date: 11/10/2021, Expected Purge Date: 11/15/2021 Image SOP Email Notification, Benton R Bond brbond@up.com Email Notification, Sarah Rief sjrief@up.com Email Notification, Betsy Gassaway bsgassaw@up.com
REGISTERED AGENT ADDRESS:	C T Corporation System 208 South LaSalle Street Suite 814 Chicago, IL 60604 866-331-2303 CentralTeam1@wolterskluwer.com

The information contained in this Transmittal is provided by CT for quick reference only. It does not constitute a legal opinion, and should not otherwise be relied on, as to the nature of action, the amount of damages, the answer date, or any other information contained in the included documents. The recipient(s) of this form is responsible for reviewing and interpreting the included documents and taking appropriate action, including consulting with its legal and other advisors as necessary. CT disclaims all liability for the information contained in this form, including for any omissions or inaccuracies that may be contained therein.



PROCESS SERVER DELIVERY DETAILS

Date: Wed, Nov 10, 2021

Server Name: Sheriff Drop

Entity Served	Union Pacific Railroad Company
Case Number	2021L010555
Jurisdiction	IL





* 5 0 1 1 7 4 3 6 *

FILED
10/28/2021 11:33 AM
IRIS Y. MARTINEZ
CIRCUIT CLERK
COOK COUNTY, IL
2021L010555

15384619

2120 - Served	2121 - Served	2620 - Sec. of State
2220 - Not Served	2221 - Not Served	2621 - Alias Sec of State
2320 - Served By Mail	2321 - Served By Mail	
2420 - Served By Publication	2421 - Served By Publication	
Summons - Alias Summons		(03/15/21) CCG 0001 A

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

Name all Parties

TONY CABAN

Plaintiff(s)

v.

2021L010555

Case No.

UNION PACIFIC RAILROAD COMPANY

Defendant(s)

c/o R/A: CT Corporation
208 S. LaSalle St., Suite 814, Chicago, IL 60604

Address of Defendant(s)

Please serve as follows (check one): ☐ Certified Mail ☒ Sheriff Service ☐ Alias

SUMMONS

To each Defendant:

You have been named a defendant in the complaint in this case, a copy of which is hereto attached. You are summoned and required to file your appearance, in the office of the clerk of this court, within 30 days after service of this summons, not counting the day of service. If you fail to do so, a judgment by default may be entered against you for the relief asked in the complaint.

THERE IS A FEE TO FILE YOUR APPEARANCE.

FILING AN APPEARANCE: Your appearance date is **NOT** a court date. It is the deadline for filing your appearance/answer. To file your appearance/answer **YOU DO NOT NEED TO COME TO THE COURTHOUSE**, unless you are unable to eFile your appearance/answer. You can download an Appearance form at <http://www.illinoiscourts.gov/Forms/approved/procedures/appearance.asp>. After completing and saving your Appearance form, you can electronically file (e-File) it with the circuit clerk's office.

Iris Y. Martinez, Clerk of the Circuit Court of Cook County, Illinois

cookcountyclerkofcourt.org

Page 1 of 3

EXHIBIT 2



Summons - Alias Summons

* (03/15/21) CCG 0001 B

E-FILING: E-filing is now mandatory with limited exemptions. To e-File, you must first create an account with an e-Filing service provider. Visit <http://efile.illinoiscourts.gov/service-providers.htm> to learn more and to select a service provider.

If you need additional help or have trouble e-Filing, visit <http://www.illinoiscourts.gov/faq/gethelp.asp> or talk with your local circuit clerk's office. If you cannot e-file, you may be able to get an exemption that allows you to file in-person or by mail. Ask your circuit clerk for more information or visit www.illinoislegalaid.org.

FEE WAIVER: If you are unable to pay your court fees, you can apply for a fee waiver. For information about defending yourself in a court case (including filing an appearance or fee waiver), or to apply for free legal help, go to www.illinoislegalaid.org. You can also ask your local circuit clerk's office for a fee waiver application.

COURT DATE: Your court date will be sent to your e-File email account or the email address you provided to the clerk's office. You can also call or email the clerk's office to request your next court date. You will need to provide your case number OR, if unknown, the name of the Plaintiff or Defendant. For criminal case types, you will also need to provide the Defendant's birthdate.

REMOTE APPEARANCE: You may be able to attend this court date by phone or video conference. This is called a "Remote Appearance". Call the Circuit Clerk at (312) 603-5030 or visit their website at www.cookcountyclerkofcourt.org to find out how to do this.

Contact information for each of the Clerk's Office locations is included with this summons. The Clerk's office is open Mon - Fri, 8:30 am - 4:30 pm, except for court holidays.

To the officer: (Sheriff Service)

This summons must be returned by the officer or other person to whom it was given for service, with endorsement of service and fees, if any, immediately after service. If service cannot be made, this summons shall be returned so endorsed. This summons may not be served later than thirty (30) days after its date.

☒ Atty. No.: 36252
☐ Pro Se 99500

Name: Morici, Longo & Associates

Atty. for (if applicable):

Plaintiff

Address: 730 W. Randolph Street, Sixth Floor

City: Chicago

State: IL Zip: 60661

Telephone: (312) 372-9600

Primary Email: favela@morici longo.com

Witness date



12/10/21 11:33 AM IRIS Y. MARTINEZ

Iris Y. Martinez, Clerk of Court

☐ Service by Certified Mail: _____

☐ Date of Service: _____
 (To be inserted by officer on copy left with employer or other person)

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CALL OR SEND AN EMAIL MESSAGE to the telephone number or court date email address below for the appropriate division, district or department to request your next court date. Email your case number, or, if you do not have your case number, email the Plaintiff or Defendant's name for civil case types, or the Defendant's name and birthdate for a criminal case.

CHANCERY DIVISION

Court date EMAIL: ChanCourtDate@cookcountycourt.com

Gen. Info: (312) 603-5133

CIVIL DIVISION

Court date EMAIL: CivCourtDate@cookcountycourt.com

Gen. Info: (312) 603-5116

COUNTY DIVISION

Court date EMAIL: CntyCourtDate@cookcountycourt.com

Gen. Info: (312) 603-5710

**DOMESTIC RELATIONS/CHILD SUPPORT
DIVISION**Court date EMAIL: DRCourtDate@cookcountycourt.com
OR

ChildSupCourtDate@cookcountycourt.com

Gen. Info: (312) 603-6300

DOMESTIC VIOLENCE

Court date EMAIL: DVCourtDate@cookcountycourt.com

Gen. Info: (312) 325-9500

LAW DIVISION

Court date EMAIL: LawCourtDate@cookcountycourt.com

Gen. Info: (312) 603-5426

PROBATE DIVISION

Court date EMAIL: ProbCourtDate@cookcountycourt.com

Gen. Info: (312) 603-6441

ALL SUBURBAN CASE TYPES**DISTRICT 2 - SKOKIE**

Court date EMAIL: D2CourtDate@cookcountycourt.com

Gen. Info: (847) 470-7250

DISTRICT 3 - ROLLING MEADOWS

Court date EMAIL: D3CourtDate@cookcountycourt.com

Gen. Info: (847) 818-3000

DISTRICT 4 - MAYWOOD

Court date EMAIL: D4CourtDate@cookcountycourt.com

Gen. Info: (708) 865-6040

DISTRICT 5 - BRIDGEVIEW

Court date EMAIL: D5CourtDate@cookcountycourt.com

Gen. Info: (708) 974-6500

DISTRICT 6 - MARKHAM

Court date EMAIL: D6CourtDate@cookcountycourt.com

Gen. Info: (708) 232-4551

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COOK COUNTY, IL
2021L010555

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, LAW DIVISION

TONY CABAN,

Plaintiff,

vs.

UNION PACIFIC RAILROAD COMPANY,
a Foreign Corporation,

Defendant.

Case No. 2021L010555

COMPLAINT AT LAW

NOW COMES the Plaintiff, TONY CABAN, by and through his attorneys, MORICI, LONGO & ASSOCIATES, and complaining of the Defendant, UNION PACIFIC RAILROAD COMPANY, a Foreign Corporation, alleges as follows:

1. On or about March 30, 2021, the Defendant owned, controlled and/or was in charge of erection, construction, repairs, altercation, removal and/or painting at or near Illinois Route 47 at or near the intersection with Main Street, in the City of Huntley, County of McHenry, State of Illinois.
2. That on or about March 30, 2021, Plaintiff, TONY CABAN, owned, operated and maintained a motorcycle which was traveling in a southbound direction on Illinois Route 47 at or near Main Street, in the City of Huntley, County of McHenry, State of Illinois.
3. That at the aforesaid time and place and prior thereto, the Defendant, individually and through its agents, servants and employees, was present during the course of such erection, construction, repairs, altercation, removal and/or painting. The Defendant participated in coordinating the work being done and designated various work

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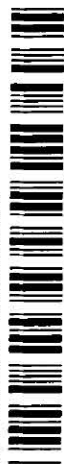


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methods, maintained and checked work progress and participated in the scheduling of the work and the inspection of the work. In addition thereto, at that time and place, the Defendant had the authority to stop the work, refuse the work and materials and order changes in the work, in the event the work was being performed in a dangerous manner or for any other reason.

4. That at all times material to this Complaint, the Defendant had a duty to exercise reasonable care in the erection, construction, placement, or operation of said construction site including the provision of safe, suitable and proper means for users of the roadway to traverse the railroad tracks.
5. That at said time and place, the motorcycle operated by Plaintiff, TONY CABAN, encountered a defect in the roadway at Main Street railroad tracks which were created by the Defendant, which cause the plaintiff's motorcycle to crash.
6. That at all times aforesaid, it was the duty of the Defendant to exercise ordinary care for the safety of the Plaintiff and to be free from negligence.
7. That the Defendant was then and there guilty of one or more of the following careless and negligent acts and/or omissions:
 - (a) Failed to make a reasonable inspection of the premises and the work being done thereon, when the Defendant knew, or in the exercise of ordinary care should have known, that said inspection was necessary to prevent injury to the Plaintiff;
 - (b) Improperly operated, managed, maintained and controlled the aforesaid premises, so that as a direct and proximate result thereof, the Plaintiff was injured;
 - (c) Failed to provide the Plaintiff with a safe place to operate his motor vehicle;
 - (d) Negligently failed to warn, barricade, or otherwise block off said road defect; and
 - (e) Negligently created a defective condition in the road.

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8. That the aforesaid careless and negligent acts and/or omissions of the Defendant were a proximate cause of said collision and Plaintiff's personal injuries as hereinafter mentioned.
9. That as a direct and proximate result of one or more of the aforesaid careless and negligent acts and/or omissions of the Defendant, the Plaintiff, TONY CABAN, then and there sustained severe and permanent injuries, and was, and will be hindered and prevented from attending to her usual duties and affairs of life, and has lost, and will lose, the value of that time as aforementioned. Further, the Plaintiff suffered great pain and anguish, both in mind and body, and will in the future, continue to suffer. The Plaintiff further expended and became liable for, and will expend and become liable for, large sums of money for medical care and services endeavoring to become healed and cured of said injuries.

WHEREFORE, the Plaintiff, TONY CABAN, demands judgment against the Defendant, UNION PACIFIC RAILROAD COMPANY, a Foreign Corporation, in a dollar amount to satisfy the jurisdictional limitation of this Court and said additional amounts as the jury and the Court shall deem proper, and additionally, cost of said suit.

Respectfully submitted,

By:

Attorneys for Plaintiff

Tomas Cabrera
MORICI, LONGO & ASSOCIATES
730 West Randolph Street
Sixth Floor
Chicago, Illinois 60661
312.372.9600
Atty No.: 36252

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IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
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TONY CABAN,

Plaintiff,

vs.

* UNION PACIFIC RAILROAD COMPANY,
a Foreign Corporation,

Defendant.


Case No. 2021L010555

AFFIDAVIT

I, Tomas Cabrera, being first duly sworn on oath, deposes and states that if I were called upon to testify, I would state as follows:

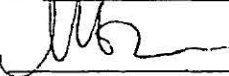
1. That I am an attorney at law licensed to practice in the State of Illinois.
2. That I am an attorney with the law firm of Morici, Longo & Associates, attorney of record for the Plaintiff, Tony Caban.
3. That based upon the information available to me at the present time, the total amount of money damages sought in this matter exceeds \$50,000.00.
4. That this Affidavit is submitted in compliance with Supreme Court Rule 222(b)

Further, Affiant sayeth naught.


Tomas Cabrera

SUBSCRIBED AND SWORN TO

before me this 28th day
of October, 2021



Notary Public

